

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

LARNELL LOWE

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Criminal No. 1:04-CR-131-3

(Chief Judge Kane)

MEMORANDUM ORDER

On August 9, 2010, the Court received a letter from Defendant Lowe alluding to a letter he had previously filed with the Court¹ and requesting unspecified “statements, that were involved in [his] case that [he] do[es]n’t have.” (Doc. No. 234.) Liberally construing Defendant’s filing as a motion for transcripts pursuant to 28 U.S.C. § 753(f), the Court finds that the motion must be denied. Though 28 U.S.C. § 753(f) entitles the Court to furnish pertinent transcripts to § 2255 movants upon certification that the suit or appeal is not frivolous, this statute is inapplicable to Defendant Lowe’s case, given that his § 2255 motion has been denied without issuance of a certificate of appealability. 28 U.S.C. § 753(f); (Doc. No. 232.) Not only are there no motions currently pending, but Lowe’s unspecific request gives the Court no basis to find that he may have any other claim before the Court that the documents could even arguably support.

ACCORDINGLY, this 10th day of November 2010, upon consideration of the foregoing, **IT IS HEREBY ORDERED** that Lowe’s letter requesting “statements, that were involved in my case that I don’t have” (Doc. No. 234), interpreted by the Court as a motion for transcripts or court documents, is **DENIED**.

¹A cursory review of Defendant’s recently-filed letters does not reveal any request for court documents. It is unclear whether the Court received the letter to which Defendant refers. Moreover, the letter the Court has received does not contain any information identifying the documents or transcripts Defendant seeks. (See Doc. No. 234.)

S/ Yvette Kane

Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania